

FILED

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA

2012 AUG -6 PM 12:42

NORCO INDUSTRIES, INC. )

Plaintiff, )

v. )

CPI BINANI, INC. )

Defendant. )

Cause No.:

12 12 CV 315

**COMPLAINT AND JURY DEMAND**

Plaintiff, Norco Industries, Inc. ("Norco"), for its Complaint against CPI Binani, Inc. ("CPI"), alleges as follows:

**PARTIES**

1. Norco is a corporation organized under the laws of the State of Indiana, with a place of business at 365 West Victoria Street, Compton, California 90220.
2. On information and belief, CPI is a corporation organized under the laws of the State of Minnesota, with a principal place of business at 1700 Wilkie Drive, P.O. Box 108, Winona Minnesota.

**JURISDICTION AND VENUE**

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 271 *et seq.*
4. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).

5. CPI has committed acts of patent infringement in this Court's district, in Indiana, and elsewhere throughout the United States.

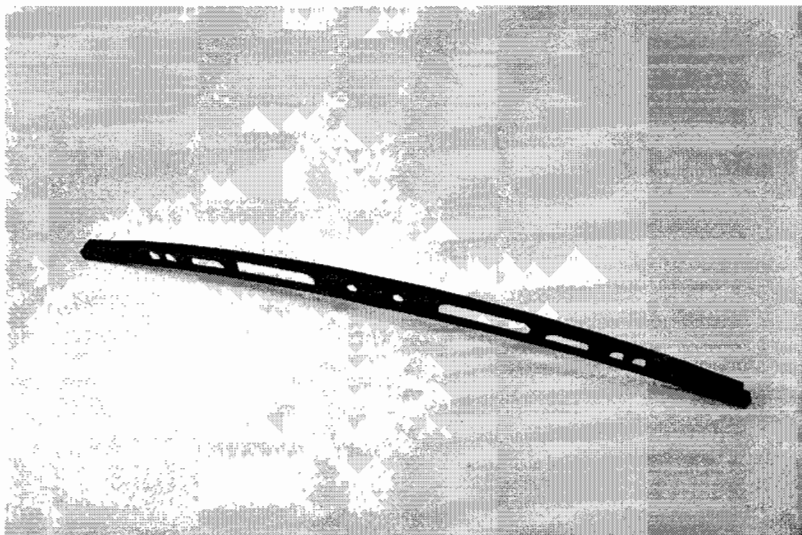
6. Venue is proper in this Court under 28 U.S.C. §§ 1391(c) and 1400(b), in that CPI is subject to personal jurisdiction in this district and therefore resides in this district, and CPI has and is committing acts of infringement in this district.

#### FACTUAL BACKGROUND

7. On December 20, 2011, the U.S. Patent Office issued U.S. Patent No. D650,723 ("the '723 patent") to Bernard F. Garceau and Robert G. Chew. for an invention entitled Roof Bow. Norco owned the '723 patent throughout the period of CPI's infringing acts and still owns the '723 patent. A copy of the '723 patent is attached hereto as Exhibit A.

#### COUNT I – INFRINGEMENT OF THE '723 PATENT

8. CPI has infringed and is still infringing the '723 patent by making, selling, and using roof bows that embody the patented invention, including but not limited to the roof bow pictured below, and CPI will continue to do so unless enjoined by this Court.



9. Norco has complied with the statutory requirement of placing a notice of the '723 patent on all roof bows it manufactures that embody the patented invention.

10. Despite Norco's placement of notice on its products, CPI continues to sell roof bows embodying the invention claimed in the '723 patent, and, therefore, has willfully infringed the '723 patent.

11. As a direct and proximate result of the infringement identified in Count I of this Complaint, Norco has suffered and continues to suffer damages.

12. On information and belief, CPI's willful infringement makes this case exceptional within the meaning of 35 U.S.C. § 285.

13. If CPI is permitted to continue its infringement of Norco's patent rights, Norco will be irreparably harmed.

**THEREFORE**, Norco respectfully demands:

- a. a preliminary and final injunction against the continuing infringement;
- b. an accounting for damages;
- c. interests and costs;
- d. an award of treble damages for CPI's willful infringement;
- e. an award of attorneys' fees to the extent permitted under 35 U.S.C. § 285; and

f. such other and further legal and equitable relief as the Court deems appropriate.

Respectfully submitted,

NORCO INDUSTRIES, INC.



Dated: August 6, 2012

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Paul A. Rake, #5898-45  
Robert J. Feldt, #16311-45  
Attorneys for the Plaintiff,  
Norco Industries, Inc.  
Eichhorn & Eichhorn, LLP  
200 Russell Street  
Post Office Box 6328  
Hammond, IN 46235  
Telephone: (219)931-0560  
Facsimile: (219)931-5370  
[prake@eichhorn-law.com](mailto:prake@eichhorn-law.com)  
[rfeldt@eichhorn-law.com](mailto:rfeldt@eichhorn-law.com)

OF COUNSEL:  
Shannon McCue  
R. Eric Gaum  
Mark A. Watkins  
HAHN LOESER & PARKS LLP  
200 Public Square, Suite 2800  
Cleveland, Ohio 44114  
Telephone: (216) 621-0150  
Facsimile: (216) 241-2824  
[smccue@hahnlaw.com](mailto:smccue@hahnlaw.com)  
[regaum@hahnlaw.com](mailto:regaum@hahnlaw.com)  
[mawatkins@hahnlaw.com](mailto:mawatkins@hahnlaw.com)

**JURY DEMAND**

The Plaintiff, Norco Industries, Inc., demands a trial by jury as to all issues where a trial by jury is permitted by law.

Respectfully submitted,

NORCO INDUSTRIES, INC.



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Paul A. Rake, #5898-45  
Robert J. Feldt, #16311-45  
Attorneys for the Plaintiff,  
Norco Industries, Inc.  
Eichhorn & Eichhorn, LLP  
200 Russell Street  
Post Office Box 6328  
Hammond, IN 46235  
Telephone: (219)931-0560  
Facsimile: (219)931-5370  
[prake@eichhorn-law.com](mailto:prake@eichhorn-law.com)  
[rfeldt@eichhorn-law.com](mailto:rfeldt@eichhorn-law.com)

OF COUNSEL:  
Shannon McCue  
R. Eric Gaum  
Mark A. Watkins  
HAHN LOESER & PARKS LLP  
200 Public Square, Suite 2800  
Cleveland, Ohio 44114  
Telephone: (216) 621-0150  
Facsimile: (216) 241-2824  
[smccue@hahnlaw.com](mailto:smccue@hahnlaw.com)  
[regaum@hahnlaw.com](mailto:regaum@hahnlaw.com)  
[mawatkins@hahnlaw.com](mailto:mawatkins@hahnlaw.com)